



Federal Transit Administration Region IV

October 30, 2008

ORGANIZATIONAL UPDATES

We have been busy in Region IV, with retirements, recruitments, and promotions!

Retirements included Tom McCormick, Alex McNeil, Jerry Hubbard, Don Alford, and Tony Dittmeier. Our new hires during the year included David Schilling, Robert Buckley, and Brandy Smith.

In addition, Jamie Pfister was selected as the new Director of Planning and Program Development. Jamie spent the last year leading the pilot State Programs team, which will now be a permanent part of the Region IV organizational structure. This team is housed within the Office of Planning and Program Development, but is responsible for planning and oversight for the State DOTs and their projects. Effective November 1, James Garland will serve as the new State Programs Team Leader. James brings a wealth of experience within the NEPA process, transportation planning, fiscal constraint, and project planning. The State Team is also pleased to announce that it has expanded its assignments and now oversees the planning and oversight of the Virgin Islands Department of Public Works. The Team looks forward to continuing to raise the bar with our State Partners in FY 2009.

In our offices of Planning and Program Development and Oversight and Program Management, we have made some new geographic assignments for our community planners and program managers. These assignments are outlined in the attached geographic assignment chart. **(Attachment 1)** Also attached is the updated organizational chart and regional contact list. **(Attachments 2 & 3)**

PROJECT PLANNING AND GRANT MAKING IN FY 2009

We awarded the most number of grants – ever – this past year; over \$1.1 billion dollars was awarded in 504 grants to our grantees. To better prepare for the FY 2009 grant workload, we offer the following reminders.

Continuing Resolution

As you may know, Congress passed a continuing resolution that funds our transit programs from October 1, 2008 through March 6, 2009. What this means is that 1) Approximately 40 percent of the total funding for FY 2009 is in place for our formula grant programs and; 2) The funding amounts are based on FY 2008 levels appropriated by Congress, not the FY 2009 levels that were authorized in SAFETEA-LU. A Federal Register notice is forthcoming with how these funds will be allocated.

FTA is working on an apportionments notice that will apportion the 40 percent of the total funding that Congress has made available. In March, Congress will likely pass an FY 2009 budget providing the balance of the funds for the fiscal year. Once this occurs, FTA will publish a second apportionment notice that apportions the remainder of the funds to the states and urbanized areas. **In the meantime, carryover balances from FY 2007 and FY 2008 are available in TEAM.**

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FY 2009 Certifications and Assurances

The FY 2008 Certifications and Assurances published in the Federal Register, October 25, 2007 are valid until the FY 2009 Certifications & Assurances are published and accepted by the recipients. As soon as the FY 2009 Certifications & Assurances are finalized, published in the Federal Register and loaded in TEAM, we will request that all recipients read and check off all the applicable sections, and have the designated individuals sign / pin the "FY 2009 Certifications & Assurances."

Civil Rights - DBE, EEO, Title VI

Please be sure to check with your Civil Rights officer to identify any expiring program plans. In addition, please be aware that **DBE goals are due to Frank Billue by August 1, 2009**. There are specific planning and program requirements that must be undertaken well before the August 1, 2009 deadline for next year's goal update. Remember that the DBE methodology must be published for a 45 day public comment period. In order to submit the goal update by August 1, the public comment period must start no later than June 15, 2009. Any comment period that starts after this date will result in grant processing delays. Also note that your agency's EEO plan update and Title VI update is required every 36 months. Lastly, while there IS an Annual DBE *Goal* update requirement, there is NOT an annual DBE *Program* update.

For more information about these programs and requirements, please see the enclosed Dear Colleague letters. (**Attachments 4 & 5**)

National Environmental Protection Act (NEPA)

As part of the federal grant application process, public transportation agencies must work with FTA to consider the social, economic, and environmental consequences and benefits of proposed projects and activities. The environmental review process required by the NEPA and related laws includes environmental impact analyses and the preparation of documentation for public review.

The NEPA process begins far earlier than the design and technical analysis of a particular project. Metropolitan and statewide transportation planning identifies transit needs and mobility problems and proposes solutions that reflect consideration of broad socioeconomic and environmental factors (such as regional air quality). If State or local agencies expect to seek FTA funding assistance for implementation of a resulting project, FTA must gauge the appropriate level of assessment and review of environmental impacts. From past experience with a wide variety of transit projects, FTA has identified many types of projects that can be processed with minimal or no environmental review. However, major proposed actions involving substantial new construction with off-site or long-term impacts usually merit a detailed review that is done with appropriate public involvement and documented in either an environmental assessment (EA) or a formal environmental impact statement (EIS).

Thus, it is imperative that you contact your community planner to discuss any proposed projects and determine, cooperatively, the appropriate environmental action. We encourage grantees to use the beginning of the fiscal year to prepare the requisite environmental documentation for FTA review. The environmental documentation must be reviewed and approved by FTA in advance of seeking Federal funds for real property or any construction related activities. **Please allow 30 days for FTA review and comment of documented categorical exclusions, EAs, and EISs.** Be sure to allocate the appropriate timeframes for public comment and, if applicable, public hearings in your project schedules.

TEAM

TEAM is now open for FY 2009 business. FY 2008 and prior year carryover funds under the all FTA programs are available to be applied for in TEAM. As mentioned above, no new FY 2009 funds are available under the Continuing Resolution (CR). Applications can be accepted and processed with the FY 2008 Certifications and Assurances, which will remain valid until the FY 2009 ones are published.

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TEAM training will be offered at our offices throughout the year. To arrange on-site TEAM training, please contact Jeffery Anoka at Jeffrey.anoka@dot.gov. Please note that prior to on-site TEAM training all grantees should have a user-id and have completed the Distance Learning TEAM Training. To participate in the TEAM Distance Learning Training sessions, please contact Rahman Williams at Rahman.Williams@dot.gov. The next Distance Learning offerings will be on November 19-20th, and December 17-18th.

Grant Applications

The regional deadline for submitting complete grant applications is **July 15, 2009** for all program funds requiring Department of Labor (DOL) Certification. In order for a grant to be considered complete and for FTA to assign a grant number, enabling submission in TEAM, all program and project related requirements must have been met. Complete applications should have also undergone the regional review period and received all requisite approvals. Determinations to review and process grant applications received after July 15, 2009 will be handled on a case-by-case basis.

To ensure timely reviews and obligations of grants, please note the following tips:

- With each grant application, confirm that your agency's contact information is current and that *all* agency points of contacts and applicable Union information are included on the Recipient screen.
- All legal, civil rights, planning, and environmental requirements must be met before entering a draft grant application in TEAM.
- Project details and extended budget descriptions should adequately describe the projects and timelines for completing the projects contained in the grant application.
- Refer to individual program circulars for specific program requirements that must be addressed in grant applications. Checklists are included in each of the FTA circulars to assist you with completing the grant applications.
- Contact your community planner before entering draft grant applications in TEAM to discuss projects and questions related to proposed projects.

Department of Labor (DOL) Certifications

DOL processes the employee protection certifications required under section 5333(b) in accordance with procedural Guidelines published at [29 C.F.R. 215.3](#) (July 28, 1999 Federal Register). The majority of the FTA grants must be submitted to DOL for certification. The exceptions include any planning grant, the Section 5310, 5311, and 5317 grants. When planning for your grants, please keep in mind that the DOL certification process can take a minimum of 30 days and must occur before the grant is obligated and awarded. Your community planner will submit your grant to DOL once you submit it in TEAM.

To better assist our partners at DOL, be sure to 1) identify all the labor organizations that represent transit employees of the recipient and each subrecipient, and 2) identify any *other transportation providers which operate in the service area* of the recipient and the subrecipients and all labor organizations that represent employees of these other transportation providers. Because employee protections are not limited to the employees of the grant recipient, other service area providers must be identified.

Lapsing Funds

Lapse letters are being prepared for each agency with funds that will expire on September 30, 2009. It is critical that we receive responses with timelines and plans for using the expiring funds. If your agency will not be applying for the expiring funds, we must receive written notification to that effect. Please remember in order for lapsing funds to be obligated in a grant before September 30, 2009, you must **submit the complete grant application in TEAM by July 15, 2009**.

PROJECT MANAGEMENT AND OVERSIGHT

We conducted 42 Triennial Reviews this year and with your help we closed over 150 grants. Our regional engineers and transportation specialists continued to provide technical assistance to our grantees and helped resolve a number of your issues.

Beginning this fiscal year, the program management staff will focus on reducing "repeat findings". The objective of this initiative will be to work with you to ensure that your demonstrated processes that had findings in previous years are functioning adequately prior to the next triennial, financial, and/or procurement system review.

We will also provide a number of training opportunities in Atlanta including TEAM training, a Triennial Review Workshop on December 10-11, 2008, a second Triennial Review Workshop in Puerto Rico in March/April 2009, a Financial Management Oversight Workshop on March 24-25, 2009 and a Procurement System Review Workshop in the 2nd quarter of 2009. The information for all of the upcoming workshops will be posted to the Region IV website; invitations were emailed the week of October 27 for the December Triennial Review Workshop. If you did not receive this information, it is posted on the website and is below.

Triennial Review Workshop – December 10-11, 2008

The two-day Workshop will be held at the following location:

The Ritz-Carlton
181 Peachtree Street, N.E.
Atlanta, GA 30303
(404) 659-0400

Due to limited space, two registrants per grantee/agency will be accepted. Additional registrations will be accepted on a space-available basis. Please contact Janisha Richardson (contractor) at (703) 351-5056 with any questions or Derethia Johnson (FTA) at (404) 865-5600.

TEAM Reports – Financial Status Reports (FSRs) & Milestone Progress Reports (MPRs)

It's time to complete your annual/4th quarter FSRs and MPRs in TEAM for all active grants! These reports are due 30 days after the close of the quarter/fiscal year, which is October 30, 2008 for the quarter ending September 30, 2008. Areas under 200,000 are required to submit these reports annually, while areas over 200,000 are required to submit these reports quarterly. Please note that for all Section 5309 grants for Bus Facilities, reports are due quarterly, regardless of population size. The requirement for these reports, including the specific information which must be contained within these reports is described in Chapter III of the FTA Circular 5010.1D.

PROGRAM UPDATES

New Circulars

Four new FTA Circulars have been recently published. Please see the list below and note that three of the four go into effect November 1, 2008. The Metropolitan and State Planning Circular went into effect September 1, 2008.

- C4220.1F Third Party Contracting Guidance (Nov. 1, 2008)
- C5010.1D Grants Management Requirements (Nov. 1, 2008)
- C9300.1B Capital Investment Program Guidance and Application Instructions (Nov. 1, 2008)
- C8100.1C Program Guidance for Metropolitan and State Planning and Research Program Grants (Sept 1, 2008)

Very Small (VSS), Small (SS), and New Starts (NS) (Section 5309)

Thinking about a VSS, SS, or NS? If you are initiating or intend to initiate an [Alternatives Analysis \(AA\)](#) that may result in the selection of a transit fixed guideway project proposed for funding under the Section 5309 New Starts program, you must notify the regional office in writing of such studies. Prior to formally initiating the study (or as soon as possible for studies that have already been initiated), FTA

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requests the opportunity to review the following information: Description of Study Area, Transportation Problems, and Needs; Study Goals, Objectives, and Preliminary Evaluation Measures; and the Description of Conceptual Alternatives.

Job Access Reverse Commute (JARC) (Section 5316) and New Freedom (NF) (Section 5317)

This past fiscal year, several Region IV grantees had FY2006 JARC and NF funds lapse. We understand that the funds will be reapportioned in the FY2009 appropriations, but will not be appropriated dollar for dollar back to the affected area. Rather, all areas will benefit from the dollars that lapsed. If you are still struggling with these programs and complying with the program requirements, please contact your community planner for specialized technical assistance. We have regional experts and a United We Ride Ambassador who can assist you with these programs. Also, be sure to check out FTA's [revised FAQ](#) on the FTA public site for these programs and the Section 5310 Program.

United We Ride

Region IV continues to work with United We Ride Ambassador Jo Ann Hutchinson from the National Resource Center for Human Service Transportation Coordination, Community Transportation Association of America (CTAA). If you aren't on Jo Ann's mailing list and haven't seen her blog, be sure to drop her a line – she has a wealth of information to assist you with your coordinated transportation efforts. Jo Ann can be reached at hutchinson@ctaa.org or at 800.891.0590, Extension 730.

Flex Funds

Flexible funds are legislatively specified funds that may be used either for transit or highway purposes. When FHWA funds are transferred to FTA they are transferred to one of the following three programs:

- Urbanized Area Formula Program (5307)
- Capital Program (Section 5309)
- Elderly and Persons with Disabilities Program (Section 5310 program)
- Nonurbanized Area Formula Program (Section 5311 program)

Once they are transferred to FTA for a transit project, the funds are administered as FTA funds and take on all the requirements of the FTA program. Transferred funds may use the same non-Federal matching share that the funds would have if they were used for highway purposes and administered by FHWA.

In urbanized areas over 200,000 in population, the decision on the transfer of flexible funds is made by the Metropolitan Planning Organization (MPO). In areas under 200,000 in population the decision is made by the MPO in cooperation with the State DOT. In rural areas, the transfer decision is made by the State DOT. The decision to transfer funds should flow from the transportation planning process and the priorities established for an area as part of the planning process. It is up to the requesting project sponsor to monitor the progress of the requested flex funds from FHWA Division office to FHWA Headquarters to FTA Headquarters to the FTA Regional Office.

Transit and Sustainability

Emerging transportation issues include the interrelationship of climate change and transportation. A recent FHWA funded review of State DOTs and MPO Long Range Transportation Plans concluded that many State DOTs and MPOs are now in the process of incorporating climate change issues into their transportation planning process. However, the current practice for the incorporation of climate change into the transportation planning process varies widely by agencies at present. Bills to watch will include not only the next transportation authorization bill, but also the energy and climate bills. For more information on transit and sustainability, visit the new page on FTA's home page for http://www.fta.dot.gov/index_8510.html.